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Human Rights Council
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Item 1 of the provisional agenda
Adoption of the agenda and organization of work

Provisional agenda and annotations*

Provisional agenda

1. Adoption of the agenda and organization of work.
2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration by the Committee:
   (a) Integration of a gender perspective;
   (b) Promotion of a democratic and equitable international order;
   (c) Integration of the perspective of persons with disabilities;
   (d) Regional arrangements for the promotion and protection of human rights;
   (e) Activities of vulture funds and their impact on human rights;
   (f) Negative effects of terrorism on the enjoyment of human rights;
   (g) Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights;
   (h) Contribution of development to the enjoyment of all human rights;
   (i) National policies and human rights;
   (j) A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;
   (k) The role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights.
3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007 and of section III of the annex to Council resolution 16/21 of 25 March 2011:
   (a) Review of methods of work;

* The present report was submitted after the deadline in order to reflect the most recent developments.

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(b) Agenda and annual programme of work, including new priorities;

(c) Appointment of members of the Working Group on Communications.

4. Report of the Advisory Committee on its twenty-first session.

Annotations

1. Adoption of the agenda and organization of work

Adoption of the agenda

The Human Rights Council Advisory Committee will have before it the provisional agenda and the present annotations relating to the items included in the provisional agenda (A/HRC/AC/21/1).

Organization of work

Rule 99 of the rules of procedure of the General Assembly provides that each committee "shall at the beginning of the session adopt a programme of work indicating, if possible, a target date for the conclusion of its work, the approximate dates of consideration of items and the number of meetings to be allocated to each item" (see A/520/Rev.17). Accordingly, the Advisory Committee will have before it, for its consideration and approval, a draft timetable prepared by the Secretariat showing the order and distribution of meeting time for each agenda item/segment of its programme of work for the twenty-first session.

Composition of the Advisory Committee

In its decision 18/121, the Human Rights Council decided that the cycle of the Advisory Committee would be adjusted to run from 1 October to 30 September. The terms of membership will therefore end on 30 September of each year.

The composition of the Advisory Committee and the term of membership of each expert are as follows:** Ibrahim Abdulaziz Alsheddi (Saudi Arabia, 2018); Mohamed Bennani (Morocco, 2020); Lazhari Bouzid (Algeria, 2019); Mario Luis Coriolano (Argentina, 2018); Ion Diaconu (Romania, 2020); Karla Hananía de Varela (El Salvador, 2019); Ludovic Hennebel (Belgium, 2020); Mikhail Lebedev (Russian Federation, 2019); Xinsheng Liu (China, 2019); Ajai Malhotra (India, 2020); Kaoru Obata (Japan, 2019); Mona Omar (Egypt, 2019); Katharina Pabel (Austria, 2018); Elizabeth Salmón (Peru, 2020); Dheerujlall Baramlall Seetulsingh (Mauritius, 2020); Changrok Soh (Republic of Korea, 2020); Imeru Tamrat Yigezu (Ethiopia, 2018) and Jean Ziegler (Switzerland, 2019).

2. Requests addressed to the Advisory Committee stemming from Human Rights Council resolutions and currently under consideration by the Committee

(a) Integration of a gender perspective

In its resolution 6/30, the Human Rights Council requested the Advisory Committee to regularly and systematically integrate a gender perspective into the implementation of its mandate, including when examining the intersection of multiple forms of discrimination against women, and to include in its reports information on and qualitative analysis of human rights of women and girls.

The Advisory Committee held a discussion on the issue at its second, fourth, tenth, eleventh and eighteenth sessions.

(b) Promotion of a democratic and equitable international order

In its resolutions 8/5 and 18/6, the Human Rights Council requested, inter alia, the Advisory Committee to pay due attention, within its respective mandate, to the resolutions

** The year in which the term of membership expires is shown in parentheses.

and to make contributions towards their implementation. In its resolution 18/6, the Council also decided to establish, for a period of three years, a new special procedure mandate of Independent Expert on the promotion of a democratic and equitable international order.

At its thirty-third session, the Human Rights Council appointed Livingstone Sewanyana (Uganda) as the new Independent Expert on the promotion of a democratic and equitable international order. Mr. Sewanyana took office on 1 May 2018, replacing Alfred de Zayas (United States of America) whose mandate expired on 30 April 2018. The most recent report on the mandate is contained in document A/HRC/37/63.

The Advisory Committee held a discussion on the issue at its first, second, fourth and eleventh sessions.

(c) Integration of the perspective of persons with disabilities

In its resolution 7/9, the Human Rights Council encouraged the Advisory Committee and other mechanisms of the Council to integrate the perspective of persons with disabilities, as appropriate, in carrying out their work and in their recommendations in order to facilitate the inclusion of persons with disabilities in the work of the Council. In its resolution 26/20, the Council decided to establish, for a period of three years, a new special procedure mandate of Special Rapporteur on the rights of persons with disabilities.

In 2014, the Human Rights Council appointed Catalina Devandas Aguilar (Costa Rica) as Special Rapporteur on the rights of persons with disabilities. The most recent report on the mandate is contained in document A/HRC/37/56.

The Advisory Committee held a discussion on the issue at its first, second, fourth, eleventh, nineteenth and twentieth sessions.

(d) Regional arrangements for the promotion and protection of human rights

In its decision 32/115, the Human Rights Council requested the Advisory Committee to prepare a report on regional arrangements for the promotion and protection of human rights, in particular on the progress made in establishing regional and subregional arrangements for the promotion and protection of human rights, and on their achievements in all regions of the world, and on the role played by the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the role that OHCHR can play in the future in advancing cooperation between international and regional human rights mechanisms; and to identify ways to increase the role that regional arrangements play in promoting and protecting human rights and to reinforce universal human rights standards, including as contained in international human rights instruments, and to submit the report to the Council before its thirty-ninth session.

Also in its decision 32/115, the Human Rights Council encouraged the Advisory Committee, when preparing the above-mentioned report, to take into account the views of Member States, as appropriate, relevant international and regional organizations, OHCHR, national human rights institutions, non-governmental organizations and other stakeholders.

At its seventeenth session, the Advisory Committee established a drafting group for the preparation of the above-mentioned report, comprising Mohamed Bennani, Laurence Boisson de Chazournes (who left the Committee in September 2017), Mario Luis Coriolano, Karla Hananía de Varela, Mikhail Lebedev, Xinsheng Liu, Kaoru Obata, Katharina Pabel (Chair), Anantonia Reyes Prado (who left the Committee in September 2017), Changrok Soh (Rapporteur) and Imeru Tamrat Yigezu.

At its nineteenth session, the Advisory Committee took note of the draft progress report prepared by the drafting group and requested the drafting group to submit a progress report to the Committee at its twentieth session, taking into account the discussions held at the session, with a view to submitting the final report to the Human Rights Council at its thirty-ninth session.

At its twentieth session, the Advisory Committee took note of the draft preliminary report and requested the drafting group to submit a final report to the Advisory Committee at its twenty-first session, taking into account the discussions held at the twentieth session, with a

view to submitting the final report to the Human Rights Council at its thirty-ninth session. Ajai Malhotra, Elizabeth Salmón and Dheerujlall Baramlall Seetulsingh joined the drafting group.

(e) Activities of vulture funds and their impact on human rights

In its resolution 34/3, the Human Rights Council took note with appreciation of the progress report of the Advisory Committee on the activities of vulture funds and the impact on human rights (A/HRC/33/54), and requested the Committee to present a final report thereon to the Council at its thirty-ninth session for its consideration.

At its nineteenth session, the Advisory Committee held discussions on the activities of vulture funds and their impact on human rights, and established a drafting group for the preparation of the said report, comprising Ibrahim Abdulaziz Alsheddi, Mario Luis Coriolano (Chair), Ion Diaconu, Mikhail Lebedev, Jean Ziegler (Rapporteur) and Mohamed Bennani.

At its twentieth session, the Advisory Committee requested the drafting group to present a draft final report at the twenty-first session, taking into account the replies to the note verbale distributed after the discussion held at the twentieth session. It also recommended that the Human Rights Council extend the time scheduled, to allow for better-informed work, and that it request the Advisory Committee to submit its final report to the Council at the Council's forty-first session.

(f) Negative effects of terrorism on the enjoyment of human rights

In its resolution 34/8, the Human Rights Council requested the Advisory Committee to conduct a study and prepare a report on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, with a particular focus on economic, social and cultural rights, including as a result of diverting foreign direct investment, reducing capital inflows, destroying infrastructure, limiting foreign trade, disturbing financial markets, negatively affecting certain economic sectors and impeding economic growth, and to recommend actions to be taken by Governments, United Nations human rights mechanisms, regional and international organizations and civil society organizations in this regard, and to present the report to the Council at its thirty-ninth session.

At its nineteenth session, the Advisory Committee held discussions on the negative effects of terrorism on the enjoyment of all human rights and fundamental freedoms, and established a drafting group for the preparation of the said report, comprised of Lazhari Bouzid, Mario Luis Coriolano, Ion Diaconu, Karla Hananía de Varela, Mikhail Lebedev, Xinsheng Liu, Mona Omar (Rapporteur) and Katharina Pabel (Chair).

At its twentieth session, the Advisory Committee took note of the draft preliminary report and requested the drafting group to submit a progress report at its twenty-first session, taking into account the replies to the note verbale distributed after the discussion held at the twentieth session, and with a view to submitting the report to the Human Rights Council at its forty-second session. Ludovic Hennebel, Ajai Malhotra and Elizabeth Salmón joined the drafting group.

(g) Negative impact of the non-repatriation of funds of illicit origin on the enjoyment of human rights

In its resolution 31/22, the Human Rights Council requested the Advisory Committee to conduct a comprehensive research-based study on the impact of the flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, including economic, social and cultural rights, with a special emphasis on the right to development, with a view to compiling relevant best practices and main challenges, and to make recommendations on tackling those challenges based on the best practices in question, and to present a progress report on the requested study to the Council at its thirty-sixth session for its consideration.

Also in resolution 31/22, the Human Rights Council requested the Advisory Committee to seek, if necessary, further views and the input of Member States, relevant international and

regional organizations, the United Nations High Commissioner for Human Rights and relevant special procedures, national human rights institutions and non-governmental organizations in order to finalize the above-mentioned study — taking into account, inter alia, the final study on illicit financial flows, human rights and the 2030 Agenda for Sustainable Development of the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights.

At its seventeenth session, the Advisory Committee established a drafting group for the preparation of a progress report to be submitted to the Human Rights Council at its thirty-sixth session, comprising Mario Luis Coriolano, Mikhail Lebedev, Obiora Chinedu Okafor (Co-Rapporteur), Mona Omar, Ahmer Bilal Soofi (Chair) and Jean Ziegler (Co-Rapporteur).

At its eighteenth session, the Advisory Committee took note of the draft progress report prepared by the drafting group, taking into account the replies to the questionnaires circulated, and requested the drafting group to finalize the progress report in the light of the discussion held by the Advisory Committee at the session, after circulating it electronically to all members of the Committee for approval, with a view to submitting it to the Council at its thirty-sixth session.

In its resolution 34/11, the Human Rights Council requested the Advisory Committee to conduct a study, in continuation of the study requested by the Council in its resolution 31/22, on the possibility of utilizing non-repatriated illicit funds, including through monetization and/or the establishment of investment funds, while completing the necessary legal procedures, and in accordance with national priorities, with a view to supporting the achievement of the Goals of the 2030 Agenda for Sustainable Development, contributing to the enhancement of the promotion of human rights and in accordance with obligations under international human rights law, and to submit the requested study to the Council at its thirty-ninth session.

Also in its resolution 34/11, the Human Rights Council requested the Advisory Committee to seek, if necessary, further views and the input of Member States, relevant international and regional organizations, United Nations bodies, including the United Nations Office on Drugs and Crime, national human rights institutions and non-governmental organizations in order to finalize the above-mentioned study.

At its nineteenth session, the Advisory Committee had before it the progress report submitted to the Human Rights Council at its thirty-sixth session (A/HRC/36/52) pursuant to Council resolution 31/22; continued its discussion on the impact of the flow of funds of illicit origin and the non-repatriation thereof to the countries of origin on the enjoyment of human rights, pursuant to resolution 34/11; and established a drafting group to prepare the report. The Committee suggested that the report be submitted to the Council at the Council's forty-second session rather than its thirty-ninth session.

At its twentieth session, the Advisory Committee requested the drafting group to present a preliminary outline of the study to the Advisory Committee at its twenty-second session, taking into account the replies to the note verbale distributed after the discussion held at the twentieth session, and recommended that the Human Rights Council extend the time scheduled, to allow for better-informed work, and that it request the Advisory Committee to submit the study to the Council at the Council's forty-second session. Ludovic Hennebel, Ajai Malhotra (Chair), Dheerujlall Baramlall Seetulsingh (Rapporteur) and Jean Ziegler joined the drafting group.

(h) Contribution of development to the enjoyment of all human rights

In its resolution 35/21, the Human Rights Council requested the Advisory Committee to conduct a study on the ways in which development contributes to the enjoyment of all human rights by all, in particular on best experiences and practices, and to submit the report to the Council before its forty-first session.

At its nineteenth session, the Advisory Committee held discussions on the contribution of development to the enjoyment of all human rights, and established a drafting group to

prepare the said report comprising Mohamed Bennani, Lazhari Bouzid, Mario Luis Coriolano, Mikhail Lebedev (Rapporteur), Xinsheng Liu (Chair), Changrok Soh, Imeru Tamrat Yigezu and Jean Ziegler.

At its twentieth session, the Advisory Committee took note of the draft report and requested the drafting group to recirculate the questionnaire to seek the views of States, as appropriate, relevant international and regional organizations, national human rights institutions and non-governmental organizations and other stakeholders; and to submit a progress report to the Advisory Committee at its twenty-first session with a view to submitting the report to the Human Rights Council at its forty-first session, taking into account the new input received following the discussion at the twentieth session of the Committee. Ajai Malhotra and Dheerujlall Baramlall Seetulsingh joined the drafting group.

(i) National policies and human rights

In its resolution 35/32, the Human Rights Council requested the Advisory Committee to prepare a study that could help States to implement the 2030 Agenda for Sustainable Development by integrating human rights into national policies on the basis of the compilation prepared by the United Nations High Commissioner for Human Rights, and to submit the report to the Council at its forty-fifth session for its consideration, on the fifth anniversary of the adoption of the 2030 Agenda.

At its nineteenth session, the Advisory Committee held discussions on this topic and established a drafting group to prepare the said study, comprising Mario Luis Coriolano, Ion Diaconu (Rapporteur), Karla Hananía de Varela, Kaoru Obata, Mona Omar, Katharina Pabel and Changrok Soh (Chair).

At its twentieth session, the Advisory Committee took note of the preliminary outline of the study, and invited the drafting group to continue intersessional discussions and to inform the Advisory Committee at its twenty-first session on its activities related to the preparation of the report to be submitted to the Human Rights Council for adoption at its forty-fifth session. It also requested the drafting group to submit an updated preliminary outline to the Advisory Committee at its twenty-first session. Ludovic Hennebel, Ajai Malhotra, Dheerujlall Baramlall Seetulsingh and Elizabeth Salmón joined the drafting group.

(j) A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

At its seventy-second session in December 2017, the General Assembly adopted its resolution 72/157, entitled "A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action", and requested the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world, and in this regard requested the Council, through its Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps. The Secretary-General, through resolution 72/157, is requested to submit to the General Assembly at its seventy-third session a report on the implementation of that resolution. A drafting group will be established in August 2018, at the twenty-first session of the Advisory Committee.

(k) The role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights

At its thirty-seventh session, in March 2018, the Human Rights Council adopted resolution 37/23, in which it requested the Advisory Committee to conduct a study on the role of technical assistance and capacity-building in fostering mutually beneficial cooperation in promoting and protecting human rights, and to submit a report thereon to the Human Rights Council before its forty-third session. A drafting group will be established in August 2018 at the twenty-first session of the Advisory Committee.

3. Implementation of sections III and IV of the annex to Human Rights Council resolution 5/1 of 18 June 2007 and of section III of the annex to Council resolution 16/21 of 25 March 2011

(a) Review of methods of work

According to paragraph 77 of the annex to Human Rights Council resolution 5/1, the Advisory Committee may propose within the scope of the work set out by the Council, for the latter's consideration and approval, suggestions for further enhancing its procedural efficiency.

In paragraphs 35 to 39 of section III of the annex to its resolution 16/21, the Human Rights Council made reference to the Advisory Committee. In paragraph 39 of the same resolution, the Council stipulated that the Committee should endeavour to enhance intersessional work between its members in order to give effect to the provisions of paragraph 81 of the annex to Council resolution 5/1.

At its twenty-first session, the Advisory Committee may therefore address issues related to its methods of work.

(b) Agenda and annual programme of work, including new priorities

In paragraph 35 of the annex to Human Rights Council resolution 16/21, the Council stipulated that it should, within existing resources, strengthen its interaction with the Advisory Committee and engage more systematically with it through work formats, such as seminars, panels and working groups, and sending feedback to the inputs of the Committee. A member of the drafting group tasked with preparing the report on regional arrangements for the promotion and protection of human rights participated in a workshop organized by OHCHR, on 4 and 5 October 2016, pursuant to Council resolution 30/3. A report containing a summary of the discussions held at the workshop and on the progress made towards the implementation of the resolution was submitted to the Council at its thirty-fourth session (A/HRC/34/23).

At its fourteenth session, the Advisory Committee decided to produce reflection papers for its own use at every one of its sessions, which may be available on the OHCHR website as part of the Committee's series of reflection papers.

At its twentieth session, the Advisory Committee held a discussion on the following reflection papers and research proposals:

(a) Access to justice (Mario Luis Coriolano);

(b) Digital transformation: the impact of new technologies on human rights (Changrok Soh);

(c) Economic, social and cultural rights in the agenda of international jurisdictions (Ion Diaconu).

Following the discussions at the session, the research proposal entitled "Digital transformation: the impact of new technologies on human rights" was submitted to the Human Rights Council.

The Advisory Committee requested Elizabeth Salmón to prepare a reflection paper on mainstreaming gender equality and ensuring gender parity in the Advisory Committee, for the Committee's consideration at its twenty-first session.

At its twenty-first session, the Advisory Committee will consider the above-mentioned proposals. The Committee may also continue its discussions under item 2, including on new priorities.

(c) Appointment of members of the Working Group on Communications

In accordance with paragraphs 91–93 of the annex to Human Rights Council resolution 5/1, the Advisory Committee is to appoint five of its members, one from each regional group, with due consideration for gender balance, to constitute the Working Group on Communications. In the event of a vacancy, the Committee should appoint an independent

and highly qualified expert from the same regional group, from the Committee. Since there is a need for independent expertise and continuity with regard to the examination and assessment of communications received, the independent and highly qualified experts of the Working Group are appointed for three years. Their mandate is renewable once only.

The current members of the Working Group on Communications were appointed by the Advisory Committee at its eleventh, thirteenth and seventeenth sessions (see A/HRC/AC/11/2, para. 29; A/HRC/AC/13/2, paras. 36 and 37; and A/HRC/AC/17/2, para. 26). At its twenty-first session, the Advisory Committee will make three new appointments to replace the three members of the Working Group whose term expires on 30 September 2018: one from the Group of African States, one from the Group of Latin American and Caribbean States and one from the Group of Western European and other States.

4. Report of the Advisory Committee on its twenty-first session

The Advisory Committee will have before it for adoption a draft report on its twenty-first session, prepared by the Rapporteur.

Pursuant to paragraph 38 of the annex to Human Rights Council resolution 16/21, the annual report of the Advisory Committee will be submitted to the Council at its September session and be the subject of an interactive dialogue with the Committee Chair. The reports of the Committee on its twentieth and twenty-first sessions will be considered by the Council at its thirty-ninth session.